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proclaimed offender in complaint case under Section 138 of Negotiable Instruments Act.

2. Learned counsel for the petitioner submits that the complaint under Section 138 of the Negotiable Instruments Act has already been withdrawn on account of the settlement between the parties in support of the submission. Learned counsel refers to the order dated 22.12.2022 passed by the Court of learned Judicial Magistrate 1st Class, Fatehabad which says as under:-

*"Present: Complainant in person with Sh. N.K. Malik, Advocate
Copy of FIR under Section 174-A has been received in
compliance of last zimni order.*

*At this stage, learned counsel for the complainant
suffered a statement that compromise has been effected with the
accused, so he does not want to pursue the present complaint and
wants to withdraw the same. Heard. In view of the above
statement, the present complaint is hereby dismissed as
withdrawn in Daily Lok Adalat. File be consigned to the record
room after due compliance.*

*Gauri Narang
JMJC, Fatehabad."*

3. Thus, learned counsel for the petitioner(s) contends that once the main dispute had already been settled on account of withdrawal of the complaint, the petitioner was under the bonafide believe that his presence is no more required before the trial Court as the proceedings have ended for all technical purposes. However, vide orders dated 12.09.2022 and 29.11.2022, the petitioner was declared as proclaimed offender and the same is required to be quashed. He also submits that the petitioner absented himself from the Court for a period of 02



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months and is ready to abide all the terms and conditions if any, imposed by the Court.

4. Notice of motion.

5. On asking of the Court, Mr. Kanwar Sanjiv Kumar, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

6. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

7. After hearing learned counsel for the parties and going through the averments made in the present petition, I am of the view that the prime object of the Court is to satisfy the grievances of the parties before it, within minimum possible time period.

8. As stated by learned counsel for the petitioner, dispute has already been resolved, which in fact, as per him was of civil in nature, and therefore, arresting him now in pursuance to the orders dated 12.09.2022 and 29.11.2022, declaring him as a proclaimed person, would not serve any purpose. In this situation, it would be apt to accept the request of the petitioner to allow him to appear before the concerned Court and then enable him to take appropriate steps in regard to the quashing of the proceedings, if at all, permitted under the law.

9. Therefore, while allowing the prayer made in the present petition, petitioner is directed to appear before the learned JMIC, Fatehabad, on or before

03.02.2025. On his appearance, he would be released on bail subject to his



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furnishing fresh bail bonds/surety bonds to the satisfaction of the learned JMIC/Trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

10. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned orders dated 12.09.2022 and 29.11.2022 would become inoperative *qua* the petitioner and would be deemed to be set-aside to the extent of declaring him proclaimed person.

11. Petitions stand **disposed of** accordingly.

13.01.2025

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**(SANJAY VASHISTH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No